

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUSINESS BANK, a Washington
corporation,

Plaintiff,

v.

P/C SUNSET CHASER, Official Number
923301, her engines, tackle, apparel,
furniture and equipment, *In Rem*, and
BELA PATAKY and CANDACE PATAKY,
his wife, and their marital community,
In Personam,

Defendants.

IN ADMIRALTY

NO. C09-1606RSL

DEFAULT JUDGMENT *IN REM*,
JUDGMENT FORECLOSING
PREFERRED MARINE MORTGAGE
AND ORDER OF SALE

THIS MATTER having come on regularly upon the motion of plaintiff, and the
Court, having considered the records and files herein, the affidavit of counsel
submitted with the motion, the subsequently-filed affidavit of counsel and its
attachment that set forth the contents of the publication of notice of action and
arrest, and an Order of Default having been entered, now makes the following
findings:

1 1. Plaintiff is entitled to a Default Judgment against the defendant
2 vessel, no statement of right or interest having been filed;

3 2. Plaintiff's claim under its preferred marine mortgage is superior to
4 that of any other claimant; and

5 3. Plaintiff has satisfied the notice requirements of LAR 125 and LAR
6 130(a).

7 NOW THEREFORE, IT IS

8 ORDERED that the preferred marine mortgage on the P/C SUNSET
9 CHASER, Official Number 923301, her engines, tackle, apparel, furniture and
10 equipment, in favor of Business Bank is foreclosed; and it is further

11 ORDERED that Business Bank shall have judgment against the P/C
12 SUNSET CHASER, Official Number 923301, her engines, tackle, apparel, furniture
13 and equipment *In Rem* for \$171,356.05, plus interest at the rate of \$84.50 per day
14 from November 3, 2009 through the date of entry of this judgment, plus attorneys'
15 fees and costs and administrative expenses as subsequently approved by the Court;
16 and it is further

17 ORDERED that the judgment granted shall bear interest at the federal
18 rate from the date of granting of this judgment until paid; and it is further

19 ORDERED that the U. S. Marshal shall, pursuant to the rules of the
20 United States District Court for the Western District of Washington, cause the P/C
21 SUNSET CHASER, Official Number 923301, her engines, tackle, apparel, furniture
22 and equipment, to be condemned and sold at public auction to the highest and best
23 bidder, the sale to be held alongside the vessel on a date and at a time satisfactory
24 to the U. S. Marshal to be determined after entry of this Order; and it is further

25 ORDERED that at such sale, Business Bank, plaintiff, is authorized to

1 bid in any part of the judgment and accrued interest here awarded without cash
2 deposit, and that, in the event the bid of Business Bank, plaintiff, is the highest and
3 best bid, the amount of such bid shall be credited on the judgment here awarded;
4 and it is further

5 ORDERED that the U. S. Marshal shall deposit the proceeds of the
6 sale, if any, in the Registry of the Court and the Clerk shall, after having paid all
7 costs and administrative expenses as approved by subsequent Order, pay to
8 Business Bank, plaintiff, so much of the balance remaining as is necessary to satisfy
9 the judgment here awarded, and the clerk shall retain the remainder of the proceeds,
10 if any, in the Registry of the Court subject to further Order.

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12 DATED this 22nd day of February, 2010.

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16 Robert S. Lasnik

17 United States District Judge
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